

New Legislation

County Clerks'
Conference
June 2010

SEA 401-PL 41

- Amends IC 6-1.1-20-1.9 – Effective July 1, 2010
- Owner of Property means a person that owns
 - Real Property;
 - A mobile home assessed as personal property, used as a principal place of residence, and receiving the standard property tax deduction under IC 6-1.1-12-37; or
 - A manufactured home assessed as personal property, used as a principal place of residence, and receiving the standard property tax deduction under IC 6-1.1-12-37

HEA 1061-PL45

- Adds IC 33-32-2-9
- Clerk Training
- Clerk elected after November 2, 2010 shall complete after beginning of term
 - 15 hours of training within 1 year
 - 40 hours of training within 3 years

HEA 1061– PL 45(Continued)

- IC 36-2-7-19 added
- Each county legislative body is to establish a county elected officials training fund before July 1, 2011.
- The fiscal body will appropriate money from the fund
- The money does not revert to the general fund
- It is to be used to provide the training of county elected officials required under IC 36-2-11-2.5 (county recorders), IC 36-2-12-2.5 (county surveyors), and other similar laws
- The sources for the fund are:
 - The 50 cents from the county identification security protection fee
 - Any other sources required or permitted by law

HEA 1044-PL 60

- Adds IC 33-24-4-9, IC 33-32-2-9.2, IC 34-30-2-140.8, and IC 34-30-2-144.2
- Clerk is not personally liable for any act or omission occurring in connection with the performance of the clerk's official duties
 - Unless the act or omission constitutes gross negligence or an intentional disregard of the responsibilities of the clerk
 - Does not preclude an action against the clerk's bond based on an error or omission committed by the clerk
- Effective July 1, 2010

HEA 1062-PL 63

- Amends IC 34-6-2-48.3
- Definition of Foreign Judgment
- Means any judgment, decree or order of
 - (1) a court of the United States; or
 - (2) any other court that is entitled to the full faith and credit of Indiana
- Effective July 1, 2010

HEA 1062-PL 63 (Continued)

- Amends 34-54-11-1
- A copy of any foreign judgment authenticated in accordance with 28 U.S.C. 1963 or the statutes of this state may be filed in the office of the clerk of any court of record in a county in Indiana
- Amends IC 34-54-11-2
 - (a) At the time of the filing of a foreign judgment the judgment creditor filing a foreign judgment under this chapter must file an affidavit with the clerk of the court in which the foreign judgment is filed

HEA 1062-PL 63 (Continued)

- Amended IC 34-54-11-2 (Continued)
 - (b) Promptly after the filing of the foreign judgment and affidavit, the clerk must send notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make an entry of the mailing in the docket
 - (c) The notice described in b must contain: the name and address of the judgment creditor and the name and address of the judgment creditor's attorney, if any

HEA 1062-PL 63 (Continued)

- Amended IC 34-54-11-2 (Continued)
 - (d) The judgment creditor shall: Mail a notice of the filing of the judgment to the judgment debtor; and file proof of mailing with the clerk
 - (e) Lack of mailing notice by the clerk does not affect the enforcement of proceedings if proof of mailing by the judgment creditor has been filed.
- Added IC 34-54-11-7: This chapter may be cited as the "Uniform Enforcement of Foreign Judgments Act"
- Effective July 1, 2010

HEA 1122-PL 68

- Amends IC 32-29-7-3
- Effective July 1, 2010
- Requires the sheriff to schedule the date of the sale not later than 120 days after the date the judgment and decree under seal of the court are certified to the sheriff by the clerk.

SEA 399-PL 106

- Amends IC 34-28-5-4
- Modifies the maximum judgment amounts for moving violations constituting Class C infractions.
- If a person mails or delivers an admission of guilt or a plea of nolo contendere to a moving violation before the appearance date the maximum judgment is \$35.50 + costs
- If the person admits the moving violation or enters a plea of nolo contendere on the appearance date the person may not be required to pay an amount that exceeds \$35.50 + costs.

SEA 399-PL 106 (Continued)

- If the person contests the moving violation in court and is found to have committed the moving violation the person may only be required to pay:
 - (1) costs and an amount up to \$35.50 if in the 5 years prior to the date of appearance, the person was not found by a court in the county to have committed a moving violation;
 - (2) costs and an amount up to \$250.50 if in the 5 years prior to the date of appearance, the person was found by a court in the county to have committed 1 moving violation;
 - (3) costs and an amount up to \$500 if in the 5 years prior to the date of appearance, the person was found by a court in the county to have committed 2 or more moving violations.

SEA 399-PL 106 (Continued)

- A court may require the person to submit an affidavit or sworn testimony concerning whether, in the 5 years before the appearance date, the person has been found by a court to have committed 1 or more moving violations.
- The maximum judgment amounts do not include any amounts a person may be required to pay for attending a defensive driving school program.
- Effective July 1, 2010

HEA 1271-PL 108

- Adds IC 33-23-16
- Allows courts to petition for approval to establish Problem Solving Courts
 - includes community courts, domestic violence courts, drug courts, family dependency courts, mental health courts, reentry courts, and veterans' courts.
- The costs of a problem solving court may be supplemented by the county general fund and payments from the county user fee fund.
- They may accept gifts and donations, grants and payments for services.

HEA 1271-PL 108 (Continued)

- If a fee is required the court shall adopt by local court rule a schedule of fees consistent with the rules established by the board of directors of the judicial conference of Indiana.
- The clerk of the court shall collect fees as ordered by the problem solving courts and deposit them with the county auditor into the county user fee fund for the applicable problem solving court program. Fees must be used only to fund problem solving court services.
- All drug courts and reentry courts previously established shall be certified by the Indiana Judicial Center as problem solving courts. Existing funds for drug courts and reentry courts will remain funds for use by those problem solving courts on and after July 1, 2010.
- Effective July 1, 2010

HEA 1086-PL 113

- Amends IC 6-1.1-20-3.1, IC 6-1.1-20-3.2 and IC 6-1.1-20-3.5
- Requires the political subdivision desiring the controlled project to send notice to the clerk of the circuit court by first class mail for each of the following events:
 - (1) any meeting to consider an ordinance or resolution making a preliminary determination to issue bonds or enter into a capital lease for a controlled project;
 - (2) a preliminary determination to enter issue bonds or enter into a capital lease for a controlled project;
 - (3) when petition and remonstrance process is applicable and the political subdivision is giving notice to begin the process under IC 6-1.1-20-3.2 (Phase II).
- Effective July 1, 2010

HEA 1086-PL 113(Continued)

- Amends IC 6-1.1-20-3.6
- Public Questions on Controlled Projects approved by county election board after June 30, 2010
- requires the board to submit the controlled project public question language to the Department of Local Government Finance (DLGF) to evaluate the description of the controlled project for bias. The DLGF may recommend the ballot language be used as submitted or recommend modifications to the county election board not more than 10 days after submission. The county election board shall take final action to approve the ballot language. The finally adopted ballot language may differ from the recommendations made by the DLGF. The county auditor shall certify the finally approved public question to the county election board of each county in which the political subdivision is located.

HEA 1086-PL 113 (Continued)

- Adds IC 6-1.1-20-3.8
- Effective Upon Passage
- Controlled Projects Option
- Allows a political subdivision making a preliminary determination to issue bonds or enter into a capital lease to which the petition and remonstrance process applies to opt to put a public question on the ballot in lieu of going through the petition and remonstrance process.
- To exercise this option, the fiscal body of the political subdivision may adopt a resolution specifying that the local public question process specified in IC 6-1.1-20-3.6 applies to the issuance of bonds or the execution of the lease instead of the petition and remonstrance process in IC 6-1.1-20-3.2 (phase II).

HEA 1086-PL 113 (Continued)

- The fiscal body must adopt the resolution not later than the date on which the political subdivision makes a preliminary determination to issue bonds or enter into a lease.
- The fiscal body must certify the resolution to the county election board of each county in which the political subdivision is located
- The county election board shall place the public question on the ballot as provided in IC 6-1.1-20-3.6.
